

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

FILED  
JUN 10 2005  
A 11:52

DOREL STEEL ERECTION CORPORATION :

vs. :

C.A. No.: 05-10627-WGY

CAPCO STEEL CORPORATION :

and :

CANAM STEEL CORPORATION :

Reach and Apply Defendant :

**MOTION TO DISMISS**

Defendant, Capco Steel Corporation, hereby moves pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the within action in that plaintiff's complaint fails to state a claim upon which relief can be granted. The parties selected Rhode Island as the forum to hear any dispute arising out of a "Memorandum of Understanding" dated July 19, 2001. This lawsuit arises out of that agreement.

Defendant refers this court to the attached memorandum of law and exhibits in support of its motion.

Defendant,  
**CAPCO STEEL CORPORATION**  
By their Attorneys,

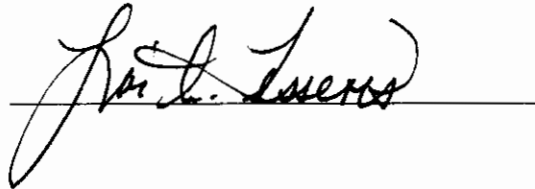
  
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Girard R. Visconti (BBO #510200)  
David M. Campbell (BBO# 645512)  
**Visconti & Boren Ltd.**  
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Providence, RI 02903  
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**CERTIFICATION**

I, the undersigned, hereby certify that on the 16th day of June, 2005, I mailed a true copy of the within document by regular, first-class mail, postage prepaid, to the following:

Charles A. Roberts, Esq.  
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254 Main Street  
P.O. Box 290009  
Charlestown, MA 02129

Michael D. Vhay, Esq.  
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Boston, MA 02110

A handwritten signature in cursive script, appearing to read "Paul L. Lucero", is written over a horizontal line.